DISTRICT COURT JUDGE ANALISA TORRES
SOUTHERN DISTRICT OF NEW YORK.
EMMANUEL A. ADIGUN.]
Plaintiff]. Response to PCNA Motion to
]. Dismiss dated October 30,2020
V.]
]
IRS, SSA, ECMC &. PCNA.]
Defendants.]

Case #20-cv- 03676(AT)(SN)

I, Emmanuel A. Adigun, the Plaintiff in this case, hereby says to this Honorable Court presided over by Judge Analisa Torres:

1). That the "Motion to Dismiss " submitted by the Defendant (PCNA) to this Honorable Court on October 30th 2020, is the same "Motion to Vacate " submitted to Honorable Ruben Franco of Supreme Court of the State of NewYork, Bronx on February 24th 2020 that was denied on June 1, 2020.I therefore pray this Court reaffirm the dismissal of New York State Supreme Court by rejecting the motion for the following reasons:

1). Plaintiff's Response to PCNA Fed. R. Civ. P. 12(b)(5)

PCNA's claim is not only lame, it is totally absurd. On August 18th 2020, Plaintiff notified the Court on PCNA deliberate attempts at refusing Notice of Summons delivered to three different locations, the last, being the office of PCNA's registered agent, CT Corporation. CT Corporation's name was voluntarily submitted to New York State Supreme Court in the Bronx in one

of it's fruitless efforts praying the Supreme Court in the Bronx to Dismiss Plaintiff's Order to Show Cause pursuant to New York Civil Practice Law (CPLR § 3211(a)(7).

2). On the Order of this Court on August 31st 2020, (Doc. # 22), directing the Plaintiff to again (...."properly serve Premiere Credit through its registered agent....). Plaintiff promptly complied by properly serving the registered agent CT Corporation again. Plaintiff respectfully refer this Court to his letter dated September 5, 2020 with attachments showing service materials forwarded to Defendant's registered agent in New York(FF-1).The name of the " registered agent " CT Corporation was volunteered to New York State Supreme Court under "penalty of perjury" by Defense Attorney.

3). Plaintiff attach herein, for the benefit of this Honorable Court,USPS (FF-2) tracking history of the September 5th 2020, summon to CT Corporation ordered by this Court which the "registered agent " again refused to accept. Plaintiff prays this Court to in the minimum sanction to dismiss its motion for corruptly, in conspiracy with CT Corp., deliberately obstruct or impede the due administration of Justice in a civil discovery. This is a Federal offense, therefore a violation of 18 U.S.C.1503.

4). Plaintiff submits with clarity that Defendant's motions, pleadings and complaints about Plaintiff's noncompliance with New York CPLR § 311 (a)(1) and other provisions of CPLR §311were soundly dismissed by New York State Supreme Court. It became clear to that Court that the underlying, entrenched, and systemic predicate offenses were

fraudulent, and Plaintiff's efforts at exposing them were affirmed by the Bronx State Supreme Court.

5). Contrary to Defense Attorney's ranting before this Honorable Court, New York State Supreme Court in the Bronx, actually instructed the Plaintiff that, inter Alia:

> "Sufficient cause appearing therefor, let service by first class mail of a copy of this order, the affidavit in support, and all other papers upon which this order is granted, upon all parties to this action or their attorneys, who have appeared in this action, on or before the 17th day of September, 2019 be deemed good and sufficient. An affidavit or other proof of service shall be presented to this Court on the return date directed in the second paragraph of this order".

This quoted paragraph is in volume #1 of "Plaintiff's response to DOJ's case presentation to District Judge Analisa Torres" dated July 8th, 2020. It is on Justice Ruben Franco's signature page of OTSC. It is by now clear, that deliberate falsehood and misrepresentation of facts are part and parcel of Defendant's doctrine in this case. Our learned Defense Attorney is engaging in this doctrine of falsehood and misrepresentation of facts because its case is incompetent and unmeritorious.

6). Plaintiff's Response To Defendant's Claim that It's Complaint Fails To State A Cause Of Action Against Premiere Credit Of North America.

a).Plaintiff submits to this Court that nothing is more further from the truth than this statement. Plaintiff submits to this Court, pages three and four (3&4) of his response to the same claim by the Defense Attorney at the New York State Supreme Court last year. The full response is Volume #4 already submitted to this Court. (FF-3)

b). Plaintiff also submitted to this Court a letter dated March 7th 2013, forwarded to Plaintiff's by Premiere Credit of North America, LLC a letter DOJ did not want this Honorable Court to see by not including it in its submittal of May 12th, 2020 to this Court. See Volume #1 Exhibit J. The letter claims,Plaintiff owed a balance of$17,034.90.

c). And also in same Volume #1, after Plaintiff repeatedly requested for his payment history from PCNA, Plaintiff received two pages titled " Borrower Transaction History Report" showing Plaintiff owe $22,329.98. See Volume #1, Exhibit EA-4(b)

d). It is quite clear that PCNA was not only a third party sub-contractor to ECMC, PCNA was neck and feet privy to the illegal student loan debt collection I never owed and never defaulted on. Hence the removal of the company from loan collection activities by the U.S. Department of Education for convenience. Plaintiff, therefore prays the Court to reject Defense Attorney claim that Plaintiff complaint fails to state a cause of action against its client PCNA

e). Finally, the fraudulently repackaged phantom defaulted loan to Dept.of Education was hatched and implemented between ECMC as guaranty agency, and PCNA as third party contractor to ECMC. Student loans that was received between 1978 and 1982, completely paid in 1988, fraudulently repackaged twenty years later under a new Federal loan program (FFELP), and submitting it as an evidence of defaulted student loan, used it to get my tax refund offset, reported the so called default to Dun and Bradford and thereafter ruined my credit and my good name, must be considered by this Honorable Court as one of the highest fraudulent schemes ever. And yet, Attorney Samantha R. Millar of Hinshaw &Culbertson have the effrontery to state before this Court that Plaintiff's " complaints fails to plead allegations, either generally or with any particularity, against Premiere Credit". What an undiluted impudence!

RESPONSE TO CLAIM OF TIME-BARRED BY DEFENDANT - PCNA

7). A tax refund offset that has fraud, corruption, and illegality as its foundation, Should and must not be construed to be time-barred. The offset on my refund, has illegally been going on for decades based on fraudulent manipulation of system by fraudulent student loan collectors (ECMC and PCNA), it is still on going, and the offset was set up to be in perpetuity. When does this perversion of Justice end on a loan that was religiously discharged? I pray this Court to end it.

In conclusion, Plaintiff submits to this Court that the Department of Justice (DOJ) was established to dispense justice, as one of its creeds, to dispense Justice without bias. Right from the transfer of this case to this Court, the bias of DOJ was so apparent. And it ended in the conclusion of its motion of October 20th 2020, praying this Court to "..... the Court should dismiss this action in its entirety. Alternatively, the Court should dismiss the IRS and SSA from this action". It is very interesting that an institution of Justice,DOJ, empowered by the Congress of United States under the improved Security Act of 1989 (FIRREA) to prevent defendants from keeping the fruits of illegal conduct (fraud), akin to preventing the bank robber from keeping a stolen money, that DOJ, should now be a refuge to fraudsters who illegally and fraudulently repackaged a non existing student loan as a defaulted loan.

By praying this Court to "dismiss" Plaintiff case against them is an indirect blanket sovereign immunity which this Honorable Court should not grant private contractors and third party sub-contractors. It will amount to a radical departure from the doctrine of precedent. And I pray this Court to reject the idea.

On our two Defense Attorneys, (Law Offices of Kenneth L. Baum and Hinshaw & Culbertson), Plaintiff submits to this Court that a very serious judicial look into wether a professional misconduct has been committed.

Plaintiff submits to this Court, that if adherence to Rule 8.4 was actually observed by Defense Attorneys,

a). Did Attorneys take the time to interview and evaluate the credibility

of their clients in asserting that my student loan was FFEL program.

b). Did Attorneys educate their clients about the civil and, criminal sanctions and other penalties that this Court can impose against affirmatively misrepresenting facts in sworn and unsworn discovery before this Court.

Now that the truth has been ferret out concerning the repackaging of the bogus defaulted student loan to the IRS and SSA for my tax offsets, which Defense Attorneys have gleefully repeated before this Court without any attempt at correcting any misstatements or deception, Plaintiff hereby prays this Court to mete out ultimate sanction. The rules governing lawyers ethical obligations in the context of false testimony must, (I respectfully submit) be upheld because a breach of professional ethics, or of the law, is more harmful to the administration of justice because it is in the public interest.

Respectfully,

Emmanuel A. Adigun, Plaintiff

November 16th, 2020.